

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE:)
)
RICHARD CHILDRESS) Case No. 17-02481-DSC13
)
)
Debtor.)

MOTION TO LIFT AUTOMATIC STAY PROVISIONS
OF 11 U.S.C. 362

Petitioners Melissa Marie Glass and Samantha Nicole Sanders respectfully move this Honorable Court to enter an order lifting the automatic stay provision of 11 U.S.C. § 362, and as grounds therefore provide the following:

1. Debtor, Richard Childress, filed its petition for relief under the provisions of Chapter 13 of Title 11 of the United States Code on June 8, 2017. Upon the filing, the automatic stay provisions of 11 U.S.C. § 362(a) became effective.
2. Petitioners filed a lawsuit for personal injuries against Debtor, Richard Childress, and his employer, The Water Works Board of the City of Birmingham on March 27, 2017 in the Circuit Court of Jefferson County, Alabama, styled *Melissa Marie Glass et al v. The Water Works Board of the City of Birmingham et al*, CV -2017-901235.
3. Petitioners' action against the Debtor Childress arises from Childress' negligent and/or wanton operation of a motor vehicle. A copy of said complaint is attached hereto as Exhibit A and incorporated herein.
4. Petitioners Glass and Sanders contend that on or about September 8, 2016, Debtor Richard Childress was employed with the Water Works Board of the City of Birmingham and working in the line and scope of such employment when he negligently/wantonly operated a motor vehicle, causing Petitioners to suffer permanent physical injuries, past and future pain and suffering, past and future medical expenses, lost wages, future lost earnings, and property damage in the form of a total loss of Petitioner Glass' vehicle.

5. Debtor's employer and co-defendant, Water Works Board for the City of Birmingham, is believed to have liability insurance that will provide coverage to Petitioners for Debtor's tortious conduct.

WHEREFORE, Petitioners pray:

1. That the automatic stay be lifted to permit the Petitioners to proceed with their cause of action in the Circuit Court of Jefferson County, Alabama; and
2. That the Petitioners be permitted to recover against debtor to the extent of any money due Petitioners by reason of debtor's or his employer's/co-defendant's liability insurance policy or policies in force and effect, including the Illinois Union Insurance Company.
3. That the Debtor not be discharged in bankruptcy pending the outcome of Petitioners' lawsuit; and
4. Such other and future relief as this Court may deem just and proper under the circumstances.



S. DREW BARNETT (ASB-9240-Y13H)
W. ALAN DUKE, JR (ASB-6099-E60D)
Attorney for Petitioners Glass and Sanders

Of Counsel:

Belt & Bruner P.C.
880 Montclair Road
Suite 300
Birmingham, AL 35213
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing by U. S. Mail, properly addressed and first class postage prepaid or by electronically filing the foregoing with the Clerk of the Court using the electronic filing system, upon the attorneys of record in this case as indicated below on this the 18th day of January 2018.

Acting Trustee

Bradford W. Caraway
Chapter 13 Standing Trustee
P.O. Box 10848
Birmingham, AL 35202

Debtor's Attorney

David Poston
Brock & Stout, LLC
P.O. Box Drawer 311167
Enterprise, AL 36331

Debtor- Via U.S. Mail

Richard Childress
3300 45h St. SW
Birmingham, AL 35221



Of counsel